

**Board of Selectmen's Meeting Minutes**  
**September 9, 2010**  
**Harpswell Town Office**  
Approved on September 23, 2010

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At 5:30 p.m. the Board met to handle administrative matters: the Town's 2011 State valuation was reviewed and clarification regarding certain information was requested; a memo from the Recycling Center Manager regarding the demolition wood procedure was provided; Administrator Eiane informed the Board of a constituent's request that the Board meet on the 1<sup>st</sup> and 3<sup>rd</sup> Thursdays to differ from the School Board meetings; the school closure cost review team will meet Tuesday at 10:15 a.m.; and a catering permit was reviewed and signed. Deputy Administrator Sawyer explained the Town received two high quality responses to the Town's request for qualifications for a home energy auditor and since both would meet the Town's needs, recommended Maine Green Energy Audit due to the lower price per home. Ms. Sawyer noted that the Energy Solutions for Maine, Inc. bid did include computer modeling to allow the homeowner to apply for the Efficiency Maine Homeowner's Program for rebates of \$1,500 or \$2,500 if the homeowner completes the consumption improvements. The Board agreed with the recommendation of Maine Green Energy Audit and signed the purchase order in an amount not to exceed \$4,500. A memo from the Recycling Center/Transfer Station Manager explained there were two bids in response to the Town's request for proposals regarding the deteriorating wall. Mr. Cantu recommended proceeding with Long Cove Builders to tear down and rebuild a portion as the price was the lowest and included additional work, such as the electrical. The Board agreed and signed the purchase order for \$6,650 with Long Cove builders. Administrator Eiane provided a proposed handout that the Conservation Commission wants to provide to the public at the Recycling Center regarding steps one can take to preserve water quality. Selectman Wallace provided the Board members with a letter from a concerned citizen to the congressional delegation regarding the flood map proposals from the Federal Emergency Management Agency (FEMA). Chairman Henderson suggested anyone concerned should proceed with contacting the congressional delegation but that the Town has to be careful as it would not be justice to some if removed from the flood area and then it floods. Administrator Eiane stated she was surprised by receiving a letter from FEMA on Friday, September 3, the day after the workshop with FEMA regarding the need for more information. The Town's consultant, Robert Gerber, contacted Senator Collins' office stating that FEMA's request is not reasonable in relation to time and due to the additional costs to the towns.

**Selectmen Present:** James S. Henderson, Mark E. Wallace and Elinor Multer

**Staff Present:** Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; and Marguerite Kelly, Treasurer

**Call to Order and Pledge of Allegiance:** The meeting was called to order at 6:30 PM.

The meeting was videotaped and broadcast live on Harpswell Community Television.

**1. Adoption of the Agenda:** Chairman Henderson moved, seconded by Selectman Multer to adopt the agenda as amended by adding Maine Municipal Bond Bank resolution to 6, William Wharton Trust letter of interest to 13 and Appointment of Recycling Manager to Maine Resource Recovery to 13; motion passed 3-0.

**2. Public Comment:** Katherine Chatterjee stated Comcast is a monopoly and made certain comments about the Franchise Agreement (comments attached). David Chipman stated he was insulted by Ms. Chatterjee's comments and that if the Town doesn't accept the capital payments, subscribers will still experience rate increases. Mr. Chipman stated he worked on the renewal agreement for the Town without involving his personal interests. Donna Frisolli stated cable companies are mandated to offer a community channel and to provide capital funds to be used for the community channel purposes – Public, Educational, & Governmental (PEG). Ms. Frisolli stated that Harpswell Community Broadcast Corporation (HCBC) cannot continue to operate on \$35,000/year and that new equipment is necessary. HCBC is offered to all Town residents, not just through cable and other stations often look to HCBC as a representative station. Chairman Henderson noted the Board was briefed by the Communications Committee the meeting prior to the public hearing and was informed

of the capital funding, technology grant and other key points. Selectman Multer apologized for not asking to delay approval of the Franchise Agreement as she had questions at the time. Selectman Multer stated she believes the persons negotiating the agreement did so in good faith and wished the Board would have held a workshop with the Committee. Selectman Multer acknowledged the need for equipment and would have preferred to explore different financing options. Robert McIntyre provided the Board with a copy of a letter he just sent to Education Commissioner Faherty. Mr. McIntyre stated he was informed by the Department of Education (DOE) that all comments from Harpswell persons relating to the upcoming school closure report must be transmitted through the Town. Administrator Eiane stated she spoke with Jim Rier from the DOE and was informed of the same. Chairman Henderson confirmed the Town will be a vehicle for written comments. Richard Gelwick thanked the Board for hiring a consultant to review the Federal Emergency Management Agency's (FEMA) proposals and stated that while the meeting with FEMA last week was helpful, he found the maps difficult to make a clear determination. Administrator Eiane encouraged Mr. Gelwick to view the maps on the computer in the Code Office. Administrator Eiane noted the maps won't be effective after the 90-day appeal period as Town Meeting still has to adopt them [if defeated, then Harpswell cannot be part of the National Flood Insurance Program] and then the maps will be effective in June or July of 2011.

**3. Town Administrator's Report:** Administrator Eiane stated the meeting last week with FEMA representatives was very informative and well attended. The Town's consultant, Robert Gerber, did an excellent job and FEMA has indicated his work will be taken into consideration. Administrator Eiane reported the Town received a letter from FEMA on Friday requesting additional information relating to Mr. Gerber's work. Mr. Gerber has indicated he needs more than the 30-day deadline applied by FEMA and will prepare an estimate for how much the additional work will cost. Administrator Eiane stated she was disappointed to receive the letter the day after the meeting with FEMA and no one mentioned it. Administrator Eiane suggested the Board send a letter to the Congressional delegation regarding this matter. Selectman Multer moved, seconded by Chairman Henderson to authorize the Town Administrator draft a letter; motion passed 3-0. Administrator Eiane announced the Town's flu clinic is scheduled for October 14 from 9:00 a.m. to 12:00 noon and 5:00 p.m. to 7:00 p.m. The single dose vaccine will cover both seasonal and H1N1.

**4. Selectmen's Announcements:** Chairman Henderson stated he inquired of the Code Office the number of new dwelling permits and there are: 8 in the West Harpswell School district and 6 in the Harpswell Islands School district.

**5. Consent Agenda: 1) Contract Extension for Harbor Management Plan; 2) Consider Safety Enhancement Grant Application:** Chairman Henderson moved, seconded by Selectman Multer to approve the consent agenda; motion passed 3-0.

**6. Treasurer's Report:** Marguerite Kelly, Town Treasurer, reviewed her report for August (attached).

- **Maine Municipal Bond Bank Resolution:** Ms. Kelly stated the Town's application for \$600,000 for emergency vehicles has been approved by the Bond Bank. Due to stimulus money, the Bank will determine if it is more beneficial to the Town to borrow on a taxable or tax exempt basis. Ms. Kelly requested the Board adopt the revised resolution, exhibit B, that includes the tax and tax exempt options. Chairman Henderson moved, seconded by Selectman Multer to adopt Exhibit B; motion passed 3-0. Chairman Henderson questioned what costs are involved with the Town borrowing; Ms. Kelly responded when with the Bond Bank, the costs are the interest and legal of about \$1,500-1,800.

**7. Consider Ordinance for "PACE" Program:** John Monaghan, Chair of Town Energy Committee, explained Efficiency of Maine has \$30 million dollars to use for energy improvements and that towns must adopt an ordinance either to administer the program or to promote the program while Efficiency Maine administers. The program allows persons to borrow up to \$15,000 in funds for home energy efficiency improvements at a low 5% rate with a pay back period equal to the pay back period of the improvement (capital

/ savings / years). In order for the program to be available to residents, towns must: 1) apply to Efficiency Maine; 2) adopt an ordinance; 3) municipalities enter into a contract with Efficiency Maine under which the towns will be responsible for the educational portion of the program. Mr. Monaghan indicated the Energy Committee can promote and educate the public about the program. Administrator Eiane suggested that the adoption of this ordinance may be important to do on the November ballot as waiting until March 2011 may mean fewer funds to Harpswell property owners. Mr. Monaghan explained there is also an Efficiency Maine rebate program that includes a \$1,500 or \$2,500 rebate if one can show they will save 25% or 50%, respectively, in consumption. Selectman Multer expressed concern regarding article IV that requires the municipality to keep up with the change of rules and the program hasn't been established yet. Administrator Eiane stated if the Board wants to place this item before the voters for November 2; it needs to be to the Clerk by September 21. Chairman Henderson moved to place the model ordinance on the November 2 ballot with minor corrections; Selectman Multer stated it wasn't ready. Selectman Multer stated she was in favor of the concept but had concerns about the precise language. Administrator Eiane responded she will have the attorney review ordinance and seek answers to the Board's questions from Efficiency Maine. The Board will make a final review of this ordinance and determine its placement on the November 2 ballot at its 9/16 special meeting.

**8. Consider Policy Regarding Political Signs on Town-owned property:** The Board discussed how the Town road issue may not be clear but decided to proceed. Chairman Henderson moved, seconded by Selectman Wallace to adopt the policy as drafted; motion passed 3-0.

**9. Open Bids for the Replacement of Two Overboard Systems:** The following bids were opened: J.R. Hill \$21,500 for Eckel and \$17,500 for Veilleux; John L. Davis \$9,475 for Eckel and \$9,968 for Veilleux; Ed Skillin Inc. \$ 8,640 for Eckel and 8,000 for Veilleux; Whorff & Sons for \$19,526 for Eckel and \$14,795 for Veilleux. Selectman Multer moved, seconded by Chairman Henderson to approve the Ed Skillin bids for both projects pending DEP approval; motion passed 3-0.

**10. Open Bids for the Removal of the Metal Structure at Mitchell Field:** The following bids were opened: Falls Point Marine \$7,500 cost; Ray Brandt \$501.00 revenue to Town; and Handy Harley \$6,560 cost with 20% revenue based on steel return to Town. The Board referred the responses for staff to review and make a recommendation.

**11. Appointments:** Chairman Henderson moved, seconded by Selectman Multer to appoint Ned Perry as a Town Lands Steward to April 30, 2012; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Wallace to appoint John Loyd Jr., Jane Smith, Robert Waddle, Tony Barrett, Melinda Richter, Ken Oehmig and Chris Coffin as Town Lands Stewards to April 30, 2012; motion passed 3-0. Chairman Henderson noted he met at Steamboat Wharf Lane with Chris Coffin. Henderson will be forwarding his own ideas for the property to the Town Lands Committee. He urged Mr. Coffin to complete a Stewards Report to the Town Lands Committee regarding his own concerns.

**12. Execute Cumberland County Tax Assessment Form:** The Board concurred with signing the assessor's return for \$1,065,406.

### **13. Other Business**

- **William Wharton Trust Letter of Interest:** Mary Ann Nahf, chair of the Conservation Commission, explained this grant letter of interest is requesting \$10,000 to fund an ecological assessment of the five Town-owned properties in the Town Office area. The assessment will help determine which areas might be more appropriate for a possible conservation easement and also areas that may be better suited for development. Selectman Multer expressed concern about the implication that this land may be part of a conservation easement considering that this location may be best for a central school in the future. Ms. Nahf explained only certain portions such as the Cliff Trail would be considered for an easement, which

the ecological assessment will help determine and Town Meeting would have the chance to vote in favor or defeat a conservation easement. The warrant article from the March 20, 2010 Town Meeting was read that gave the Board the authority to seek grant funding to study the natural resources on the properties for a potential placement of a conservation easement. Chairman Henderson moved to authorize the Town Planner to send a letter of interest to the William P. Wharton Trust for an ecological assessment on certain parcels of land for the Town. The Board requested some re-wording in a paragraph to make it clear that a conservation easement is not automatic and that development (such as a school) may be in the future. Selectman Wallace seconded the motion and it carried 3-0.

- **Appointment of Recycling Manager to Maine Resource Recovery:** Chairman Henderson moved, seconded by Selectman Multer to nominate Fred Cantu, Recycling Center Manager, to the Maine Resource Recovery Association Board of Directors; motion passed 2-0 (Selectman Wallace abstained).

**14. Authorization of the Warrant:** Chairman Henderson moved, seconded by Selectman Multer to authorize warrant #58 in the amount of \$1,910,573.15 (\$587,335 for SAD #75 monthly payment and \$1,065,406 for the County tax); motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to authorize warrant #59 in the amount of \$19,519.92; motion passed 2-0 (Selectman Wallace abstained). Payroll warrant #36 in the amount of \$14,046.94 was noted for the record.

**15. Adjournment:** The meeting adjourned by unanimous vote at 8:52 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Katherine Chatterjee's comments  
Treasurer's Report  
Exhibit B

[Attachments are available at the Town Clerk's Office or by email at [harpwell@town.harpwell.me.us](mailto:harpwell@town.harpwell.me.us)]